IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 945 of 2000

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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PHYSICAL RESEARCH LABORATORY - Petitioner(s)
Versus
PHYSICAL RESEARCH LABORATORY EMPLOYEES UNION & 1 - Respondent(s)

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Appearance :
MR RS SANJANWALA for Petitioner(s) : 1,
MR MUKUL SINHA for Respondent(s) : 1,
None for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 29/08/2007

ORAL JUDGMENT

1. Shri S.S. Sanjanwala, learned Senior Advocate with Shri Dilip Kanojiya for the petitioner; Shri Mukul Sinha, learned counsel for the respondent no.1; none for the respondent no.2.

2. By this petition under Article 227 of the Constitution of India, the petitioner seeks to challenge the interim order passed by the Labour Court, Ahmedabad, below Exh.10 in ISO Application No. 10/89, rejecting/overruling the

objection raised by the present petitioner into the question of maintainability of the dispute.

3. Though Shri Sanjanwala very vehemently argued that this Court should decide the question that whether the petitioner is “industry” or not and whether the application before the Labour Court is maintainable or not, but I am of the confirmed view that the High Court is not required to interfere in the matters/orders at every stage.

4. I refuse to exercise my powers under Article 227 of the Constitution but, however, would grant liberty in favour of the petitioner to raise a question which is the subject matter of this writ application, in a petition if it is required to be filed in case final judgment goes against the interest of the present petitioner. Even otherwise, if the petitioner succeeds before the Labour Court and the other side comes and challenges the award, then also, the present petitioner would be entitled to raise this question.

5. The petition is dismissed with the liberty

aforesaid. Rule is discharged. No costs. Interim relief, if any, is vacated.

[R.S. GARG, J.]

pirzada/-